

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
SUPPLEMENTAL DOCKET NUMBER 1  
FOR THE REGULAR MEETING OF  
MONDAY, DECEMBER 9, 2002**

---

**SPECIAL ORDERS OF BUSINESS**

ITEM-S400: San Diego SunFire Day.

**COUNCILMEMBER FRYE'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-705)

Commending Donna Fox for her efforts as the founder and General Manager of the San Diego SunFire Women's Professional Football team;

Proclaiming December 14, 2002 to be "San Diego SunFire Day" in the City of San Diego.

**ADOPTION AGENDA, CONSENT ITEMS**

**RESOLUTIONS:**

\*ITEM-S401: Excusing Councilmember Toni Atkins from the December 2, 2002 City Council Meeting.

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2003-770)

Excusing Councilmember Toni Atkins from attending the regularly scheduled Council meeting of December 2, 2002, due to her attendance to other City business in Sacramento.

ADOPTION AGENDA, CONSENT ITEMS (Continued)  
RESOLUTIONS:

\*ITEM-S402: Excusing Councilmember Toni Atkins from the November 20, 2002  
Committee on Rules, Finance and Intergovernmental Relations Meeting.

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2003-771)

Excusing Councilmember Toni Atkins from attending the regularly scheduled  
Committee on Rules, Finance and Intergovernmental Relations meeting of  
November 20, 2002, due to other official City business representing the City  
of San Diego at the 18<sup>th</sup> Annual INGLO Conference.

\*ITEM-S403: Mary Ball Day.

**COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-781)

Proclaiming December 13, 2002 as "Mary Ball Day" in the City of San Diego,  
in recognition of her many outstanding contributions and service to San  
Diego.

**SUPPORTING INFORMATION:**

Mary Ball is ending her 2-year term as President of the San Diego County Taxpayers  
Association. During her tenure, she tackled her duties with energy, generosity, and integrity  
and has led the association to a new level of effectiveness. She is a treasured leader in the  
San Diego community.

Maienschein

ADOPTION AGENDA, CONSENT ITEMS (Continued)  
RESOLUTIONS:

\*ITEM-S404: Robert Ilko Day.

**COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-779)

Proclaiming December 12, 2002 to be "Robert Ilko Day" in the City of San Diego.

**SUPPORTING INFORMATION:**

Robert Ilko is the Scripps Ranch Citizen of the Year for 2002. He has volunteered countless hours of service to the community through his participation in the Scripps Ranch Civic Association and the Scripps Ranch Planning Group. He is also one of the founding members of the Save Our Scripps Ranch Organization where he played an important role in the preservation of Meanley Wall and Evans Pond. Robert's gift of time and leadership has improved the quality of life for all Scripps Ranch residents.

Maienschein

ADOPTION AGENDA, CONSENT ITEMS (Continued)  
RESOLUTIONS:

\*ITEM-S405: Resubdivision of Del Mar Heights 1 Unit No. 3 Final Map.

(Carmel Valley Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-755)

Approving Map of Resubdivision of Del Mar Heights 1 Unit No. 3.

**CITY MANAGER SUPPORTING INFORMATION:**

This map proposes the resubdivision of a 4.042 acre site into 9 lots for residential development plus Lots "A", "B", "C" and "D". It is located northerly of Del Mar Heights Road at the easterly terminus of White Emerald Drive in the Carmel Valley Community Plan area in Council District 1.

This map is a resubdivision of the existing Del Mar Heights 1 Unit No. 3 final map. The purpose of this map is to realign the easterly terminus of White Emerald Drive. The original Del Mar Heights 1 Unit No. 3 was mapped incorrectly. As a result, a correction is required in order to accommodate the product as planned. In order to do so, the previously existing White Emerald Drive is being vacated, which requires City Council approval, and White Emerald Drive in a new configuration is being granted and dedicated on the new map. There are no new lots being created by this map, therefore there are no additional trips being generated on the surrounding freeways. All public improvements, as well as all Tentative Map conditions, were provided for in connection with Del Mar Heights 1 Unit 3 Map No. 13537.

**FISCAL IMPACT:**

None.

Ewell/Broughton/GB

ADOPTION AGENDA, CONSENT ITEMS (Continued)  
RESOLUTIONS:

\*ITEM-S406: Fortuna Mountain Conservation Bank Agreement, Acceptance of Grant Deed and Endowment.

(Mission Trails Regional Park Community Area. District-7.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-772)

Authorizing the City Manager to execute the Fortuna Mountain Conservation Bank Agreement, establishing a mitigation bank for the Property upon the conveyance of fee title to the Property to the City of San Diego and requiring the deposit of an endowment in the amount of \$69,000 for the management of the Property;

Authorizing the City Manager, upon execution of the Fortuna Mountain Conservation Bank Agreement and pursuant to its terms, to accept a grant deed [the Grant Deed] conveying fee title to the Property to the City of San Diego;

Authorizing the City Manager to accept, pursuant to the terms of the Fortuna Mountain Conservation Bank Agreement, an endowment in the amount of \$69,000 for the management and maintenance of the Property;

Authorizing the City Auditor and Comptroller to establish a separate interest bearing account for the \$69,000 endowment.

**CITY MANAGER SUPPORTING INFORMATION:**

The proposal is the acceptance of the fee title to 266-acre located on South Fortuna Mountain adjacent to Mission Trails Regional Park for the Park and Recreation Department. The Zoological Society is purchasing this land in order to fulfill the biological mitigation requirements (up to 219.5 acres of Tier II habitat depending upon the final acreage of the expansion project) of the San Diego Wild Animal Park Program EIR, LDR No. 99-0153. The Wild Animal Park project was approved by the Planning Commission on April 4, 2001; Resolution Number 3119-PC.

ADOPTION AGENDA, CONSENT ITEMS (Continued)  
RESOLUTIONS:

\*ITEM-S406: Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

The Zoological Society has entered into an agreement with San Diego State University (SDSU) to acquire 266 acres of the Fortuna Mountain Research Reserve (total of 487 acres) which will be deeded directly to the City of San Diego in fee title. The Zoological Society would provide an endowment in the amount of \$69,000 to the Park and Recreation Department for management of the property. The property would be managed as part of Mission Trails Regional Park.

The proposed Fortuna Mountain Conservation Bank Agreement between the City and the Zoological Society requires conveyance of the property in fee title to the City and deposit of the \$69,000 endowment with the City in a separate interest bearing account and establishes a mitigation bank to track the environmental credits used by the Zoological Society.

**FISCAL IMPACT:**

The Zoological Society will provide the City with an endowment in the amount of \$69,000 to fund continual management of the property.

Herring/Griffith/LBM

ADOPTION AGENDA, CONSENT ITEMS (Continued)  
RESOLUTIONS:

\*ITEM-S407: State of California Natural Communities Conservation Planning Grant Program.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-740)

Authorizing the City Manager, or his representative, to submit an application to the State of California's Natural Communities Conservation Planning Grant Program;

Authorizing the City Manager, or his representative, to take all necessary actions to secure funding;

Authorizing the City Manager, or his representative, to conduct all negotiations, execute and submit all documents, including but not limited to applications, amendments, and payment requests which may be necessary for the completion of the project;

Authorizing the acceptance and expenditure of monies if grants are awarded, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Directing the City Auditor and Comptroller to establish a special interest bearing account.

**CITY MANAGER SUPPORTING INFORMATION:**

The City of San Diego is requesting consideration of the following proposals under the State's 2002-2003 NCCP Implementation grant program. The Multiple Species Conservation Program (MSCP) is the local equivalent of the State's Natural Communities Conservation Planning (NCCP) Program of which the City of San Diego is a participating member. The City of San Diego adopted the MSCP on March 18, 1997 (Council Resolution R-288455). These grants would allow the City to obtain State funding to fulfill tasks related to monitoring and management of lands within the MSCP.

ADOPTION AGENDA, CONSENT ITEMS (Continued)  
RESOLUTIONS:

\*ITEM-S407: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

The two proposals are as follows:

1. Burrowing Owl Habitat Enhancement, Management, and Monitoring Plan:  
This grant will help assist in the recovery of burrowing owls, a sensitive bird species within the City of San Diego. MSCP staff will use this grant to fund identification of City-owned lands with historic or potential burrowing owl habitat. These sites will be ranked based on their potential to support burrowing owls. Sites with high ranking will then be enhanced and den boxes installed to encourage use by burrowing owls. A management and monitoring plan will be developed for the modified sites outlining the work that would be required to maintain them as suitable for burrowing owl use.
2. GIS Management and Monitoring Database Phase 2: The City will use this grant to fund design and implement a pilot project to integrate biological data collection, data storage/management and analysis into a comprehensive management and monitoring system using geographic information system (GIS) and relational database software.

**FISCAL IMPACT:**

A total of \$51,007 would be received if all grants are approved. A total of \$35,886.35 of in-kind matching services from the City is proposed. The in-kind services have been included in the Department's approved FY 2003 budget.

Ewell/Goldberg/HEC

Aud. Cert. 2300598.

ADOPTION AGENDA, CONSENT ITEMS (Continued)  
RESOLUTIONS:

\*ITEM-S408: La Jolla Country Club Villas Drainage Vacation.

(La Jolla Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-754)

Vacating the drainage easement located east of Fay Avenue, on the northeast side of Muirlands Drive, to unencumber this property under the procedure for the summary vacation of public service easements, Section 8330 et seq. of the California Streets and Highways Code;

Authorizing the drainage easement rights to be sold to Centex Homes for \$232,300;

Authorizing the City Manager, or his designee, to execute a quitclaim deed to Centex Homes, for those drainage easement rights;

Declaring that no broker's commission shall be paid by the City on the negotiated sale.

**CITY MANAGER SUPPORTING INFORMATION:**

The vacation and sale to Centex Homes of the City's drainage easement at fair market value (\$232,300) satisfies Condition No. 24 of Country Club Villas, VTM No. 99-1268, Adopted December 14, 2000.

**FISCAL IMPACT:**

The amount of \$232,300 to be deposited into the Capital Outlay Fund No. 302453.

Herring/Griffith/RAG

ADOPTION AGENDA, CONSENT ITEMS (Continued)  
RESOLUTIONS:

\*ITEM-S409: Memorandum of Understanding (MOU) between City of San Diego and California Coastal Commission Regarding La Jolla Parking and Transportation Fund.

(La Jolla Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-767)

Authorizing the City Manager to execute a Memorandum of Understanding (MOU) with the California Coastal Commission regarding the La Jolla Parking and Transportation Plan;

Authorizing the City Auditor and Comptroller to accept approximately \$304,000 from the California Coastal Commission for implementation of the parking management strategies as outlined in the La Jolla Parking Study;

Authorizing the City Auditor and Comptroller to establish a separate interest bearing fund to deposit monies received from the California Coastal Commission.

**CITY MANAGER SUPPORTING INFORMATION:**

The "La Jolla Parking and Transportation Fund" (Fund) is presently held by the Treasurer of the State of California for the Coastal Commission in a Special Deposit Fund Account. It consists of mitigation fees (Funds) collected by the Commission pursuant to special conditions included in multiple Coastal Development Permits authorizing development in La Jolla. There is currently approximately \$304,000 in the Fund. In accordance with the conditions of the Coastal Development Permits, the Funds are to be used to pay for costs associated with implementation of the parking and traffic recommendations contained in the La Jolla Parking and Transportation Plan.

Among other things, the permit conditions further provide that the City may establish its own program which implements the recommendations of the La Jolla Parking and Transportation Plan. Upon approval by the Coastal Commission, the Funds may instead be used in accordance with the City's approved program.

ADOPTION AGENDA, CONSENT ITEMS (Continued)  
RESOLUTIONS:

\*ITEM-S409: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

The City recently hired an independent parking consultant, Wilbur Smith Associates (WSA) who conducted a major parking study for the Village area of La Jolla. The parking study was approved by the Council Committee on Land Use and Housing on September 4, 2002. Based on the WSA parking study, the City now wishes to revise the La Jolla Parking and Transportation Plan and amend the Local Coastal Plan (LCP) to better address current and future parking and transportation needs in La Jolla.

Upon execution of this Memorandum of Understanding by both parties, the Coastal Commission is to effectuate a transfer from the State Treasurer to the City of the entire balance of Funds, together with accrued interest, contained in the La Jolla Parking and Transportation Fund. The Funds may be used for implementation of the Parking management strategies outlined in the WSA parking study after approval by Council and the Coastal Commission.

Staff plans to bring the new La Jolla parking and transportation plan for consideration by Council in early 2003. Request for the Coastal Commission approval of the parking and transportation plan and the LCP amendment will be made after Council approval of the plan.

**FISCAL IMPACT:**

Successful completion of this activity will result in return of the La Jolla Parking and Transportation Fund from the State Treasurer to the City, estimated at over \$304,000 which may be used for approved parking management strategies in La Jolla.

Ewell/Goldberg

ADOPTION AGENDA, CONSENT ITEMS (Continued)  
RESOLUTIONS:

\*ITEM-S410: Settlement of the Personal Injury Claim of Stanley L. Levine and LeSandra DeMarco.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-782)

A Resolution approved by the City Council in Closed Session on Tuesday, November 26, 2002, by the following vote: Peters-not present; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$66,500 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury/property damage to Stanley L. Levine and LeSandra DeMarco (Superior Court Case No. GIC-779247, Stanley L. Levine and LeSandra DeMarco v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue three checks, one in the amount of \$57,000 made payable to Stanley L. Levine and his attorney James M. Stern; one in the amount of \$8,000 made payable to LeSandra DeMarco and her attorney James M. Stern; and one in the amount of \$1,500 made payable to State Farm Insurance Company in full settlement of all claims.

**CITY MANAGER SUPPORTING INFORMATION:**

This constitutes the complete and final settlement of the personal injury claim of Stanley L. Levine and LeSandra DeMarco against the City of San Diego, its agents and employees, as a result of an incident which occurred on January 4, 2001.

Lexin/Lopez/LH

Aud. Cert. 2300597.

**NOTE:** The Auditor's Certificate was not requested prior to Closed Session. The vote taken in Open Session shall be the official vote.

ADOPTION AGENDA, DISCUSSION, HEARINGS  
SPECIAL HEARINGS:

ITEM-S411: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

Property: An approximate 10.3 acre area of Headquarters Point Research Park located west of Wateridge Circle and east of Lusk Boulevard (APN 340-090-55)

Agency Negotiator: Real Estate Assets Director

Negotiating Parties: Nexus/Phase 3 Properties, Inc. Cisterra Partners, LLC and Lowe Enterprises, Inc.

Under Negotiation: Results of the Request for Proposals and direction on ground lease or joint venture negotiations.

Prior to Council discussion Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) this issue is listed on the docket only for public testimony.

**There is no Council discussion of this item. The City Council's actions are:**

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closes Session on December 10, 2002.

**NOTE:** Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:

\*ITEM-S412: Reappointments to the Housing Advisory and Appeals Board.

(See memorandum from Mayor Murphy dated 12/3/2002 with resumes attached.)

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-780)

Council confirmation of the following reappointments by the Mayor to serve as members of the Housing Advisory and Appeals Board for terms expiring August 1, 2004:

Jaime M. Barton

Liliani Stiffler